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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,335	01/30/2004	James Sommers	SD107/ 01	7386
49716	7590	07/07/2005	EXAMINER	
EDWARD P. DUTKIEWICZ, ESQ. EDWARD P. DUTKEIWICZ, P.A. 640 DOUGLAS AVENUE DUNEDIN, FL 34698-7001			SELF, SHELLEY M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/769,335	Applicant(s) SOMMERS, JAMES	
	Examiner Shelley Self	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "96" has been used to designate both a *grip* (pg. 14, line 21) and an *interior end* (pg. 14, line 22).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 40, 54 & 62. Additionally, the drawings include the following reference character(s) not mentioned in the description: 24, 86 & 98.

All of the drawings should be reviewed to ensure proper correlation to reference characters within the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

It is not understood, what is meant by, "held and mover" (pg. 15, line 4).

Clarification is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with antecedent basis concerns, for example, the following do not have sufficient antecedent basis within the claim:

*"the profile"* (clm. 1, lines 27, 56)

*"each threaded hole"* (clm. 1, lines 32-33), i.e., threaded hole of what?

*"the primary recesses"* (clm. 1 lines 56-57)

*"the depths of the primary and secondary recesses"* (clm. 1, line 60)

*"the profile and depth of secondary recesses"* (clm. 4, line 4)

*"the rail without the threaded holes"* (clm. 5, line 4)

*"the rail with the threaded holes"* (clm. 5, lines 8-9)

All of the claims should be reviewed for proper clarity and antecedent basis concerns.

With regard to claim 2, it is unclear on what the parallel side is attached, i.e., each side of the table or each side of the working surface. Clarification is required.

Claims 1-5 appear to contain allowable subject matter and would be allowable if rewritten to overcome the 35 U.S.C. 112 rejection(s).

### ***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or fairly suggest a fence table router or router system comprising *a slide assembly including a tube and a pair of brackets coupling the tube with the rail and each bracket rotatably receiving the ends of the tube and a cylindrical tunnel slidably receiving the rails; a pantograph with primary and secondary arms; each arm having a free end and pivotally coupled interior end; a router secured to the free end of the secondary arm and a scribe secured to the free end of the primary arm* in combination with the rest of the claimed limitations as set forth in claims 1 and 2.

The prior art reference, Gill (4,554,740) discloses a table (fig. 1) having a working surface and a pantograph (10). Gill discloses router (72) mounted to a pivotable link (54) of a pantograph device (fig. 3, 4; col. 3, lines 4-10). Additionally, Gill discloses a stylus/scribe (92, 94) adapted to traverse a template/guide letters (130). In operation, Gill discloses the stylus/scribe (92, 94) is moved around a template or guide letters and the router/material

Art Unit: 3725

removing device (72) correspondingly removes material based on the path of the scribe/stylus. Gill does not disclose the slide assembly (50) slidably receiving the rails as set forth in claims 1 and 2. Gill discloses rails (fig. 3) about which slide assembly (50) is slidably received, however the rails (fig. 3) are not on each side of table or working surface as set forth in claims 1 and 2. Further, Gill fails to disclose a *primary and secondary arm, both having a free end and an interior end pivotably coupled*. Accordingly, Gill fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 2.

The prior art reference, Hoenig (3,739,824) discloses a pantograph, router and table apparatus wherein a scribe/stylus (98) is used to traverse or follow a master piece and a router to cut the workpiece. Hoenig discloses a table (fig. 2) having a working surface and rails (16, 18) on each side of the table and working surface; a slide assembly (24) slidably received on the rails, a stylus/scribe (98) and router (100) attached to an end plate (96). Hoenig does not disclose the pantograph having *primary and secondary arms each having a free exterior end or an interior end pivotably coupled*. Accordingly, Hoenig fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 2.

Neither the prior art of record alone or in combination thereof discloses the claimed invention as set forth in claims 1 and 2. Accordingly, claims 1 and 2 contain allowable subject matter and would be allowable if re-written to encompass the same scope and overcome the 35 U.S.C. 112 rejection(s).


Claims 3-5 are considered to contain allowable subject matter based on their dependency to claim 2.

Art Unit: 3725

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf   
June 28, 2005



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